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CLEARINGHOUSE RULE 99-013

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

a. A plain language analysis of the rule is required. [See s. 1.02 (2) (b), Manual.] The substantive part of this analysis states that: “These changes will clarify the persons eligible who have the right to have policies guaranteed issued.” Because this sentence does not refer to the type of policies at issue, it would be more helpful if the analysis stated something such as: “These changes will clarify the persons eligible to have medicare supplement policies guaranteed issued.”

b. Throughout the rule, new underscored material should immediately follow stricken material instead of preceding it. [See s. 1.06 (1), Manual.]

c. In s. Ins 3.39 (34) (b) 1. and 2., all subunits of a rule (other than the introductory material) should end with a period, rather than a semicolon or the word “or.” Also, s. Ins 3.39 (34) (b) 2. c. (intro.) should include an introductory phrase such as: “. . . established by the secretary, that at least one of the following has occurred:”.

d. In s. Ins 3.39 (34) (b) 2. b., c. and d., the word “Secretary” should not be capitalized. In s. Ins 3.39 (34) (b) 6., the word “Medicare” should not be capitalized. [See s. 1.01 (4) (a), Manual.]

4. Adequacy of References to Related Statutes, Rules and Forms

- a. The statutes interpreted provision refers to s. 628.28, Stats. There is no such statute.
- b. In s. Ins 3.39 (34) (b) 2. a., the bracketed reference to “[under this part]” should be replaced with the correct cross-reference.
- c. Section Ins 3.39 (34) (b) 2. b. refers to “section 1851 (g) (3) (B) of the federal Social Security Act.” It also refers to “section 1856” without further clarification. When citing a federal law, the U.S. code reference should be used, and if the agency wishes to include a reference to a named federal act, this may be done in a note. [See s. 1.07 (3) (a), Manual.]
- d. In s. Ins 3.39 (34) (b) 3. b., the notation “subd.” should be replaced by the notation “par.”

5. Clarity, Grammar, Punctuation and Use of Plain Language

- a. Section Ins 3.39 (34) (b) 1. is ambiguous because of the confusing use of semicolons, commas, the word “and” and the word “or” to separate material. If, as appears to be the case, the underscored material is a new alternative description of an “eligible person,” then it would be less confusing if s. Ins 3.39 (34) (b) 1m. were created to include the new underscored material, rather than including it in s. Ins 3.39 (34) (b) 1. If this is not done, s. Ins 3.39 (34) (b) 1. should be revised.
- b. Section Ins 3.39 (34) (b) 2. b., c. and d. refer to “the Secretary.” Because this material is no longer part of a quotation, the term “Secretary” is unclear and should be defined.
- c. Section Ins 3.39 (34) (b) 6., as amended, would read: “. . . upon first becoming enrolled in medicare part B for benefits under part A of Medicare” It seems confusing that a person enrolls in Medicare Part B for benefits under Medicare Part A. Is this correct?